

THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 28th day of March, 2007

W.P.No.9115 of 1998

Between:-

H.A.L. Karimika Sangh (Regd.No.A 1671)

rep. by its General Secretary,

K.Koteswararao

... Petitioner

and

Hindustan Aeronautics Ltd.,

Hyderabad Division (Electronics),

Hyderabad, rep. by its

General Manager, Hyderabad

and others

... Respondents

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ORAL ORDER:

This Writ Petition is filed by H.A.L. Karmika Sangh, represented by its General Secretary-K.Koteswara Rao, seeking a Mandamus directing the 1st respondent to treat/absorb the members of the petitioner-union as regular employees of Hindustan Aeronautics Limited in any suitable post to which they are eligible by paying the difference of salary right from the date of their engagement by applying the principle of 'equal pay for equal work' if necessary, by giving appropriate directions to abolish the system of contract labour and to pay such other consequential and attendant benefits.

Petitioner is Karmikha Sangh/Workers Union of HAL. According to the union, its members are working as Helpers, Sweepers etc. and are being paid minimum wages. Their services are being engaged for garbage disposal, Township garden maintenance, garden maintenance inside factory building, loading/unloading in main stores and SERD and some of them are also working in the statutory canteen maintained under Section 46 of the Factories Act. Respondent No.1 is a public sector undertaking under the Ministry of Defence. However, works are being extracted since last 19 years through intermediaries by the 1st respondent without paying adequate wages prescribed for the said posts. These works are perennial in nature and under the law, respondents are not entitled to continue the system of engaging

through contractor in order to mask the real state of affairs. Petitioner also referred to various judgments of the Supreme Court to show that the contract system should be abolished and their union members are entitled for regular absorption. Petitioner also furnished the details of its members, who are 58 in number.

No counter is filed.

In the facts and circumstances of the case, respondent No.1 is directed to treat the very Writ Petition as a representation filed by the petitioner-union and consider regularization of the services of the members of the union in various cadres to which they are entitled to, on par with others, if not already regularized, and pass appropriate orders forthwith.

With the above direction, the Writ Petition is disposed of. No order as to costs.

28-3-2007

prk